IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 12356 of 2005

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Dated: 26th September 2005.

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Between:

Sri P.Pitchaiah

..... PETITIONER

AND

The Station House Officer, Indukurupeta Police Station, Nellore District and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.12356 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This is a taken up writ petition on the basis of a representation made by the petitioner praying for appropriate direction to the State to trace out his son by name P.Govind.

The learned Government Pleader for Home took notice and filed counter sworn to by the Superintendent of Police, Nellore District, dated 20th July 2005, into Court. It appears from the counter affidavit that a case in Crime No.78 of 2002 was registered against the son of the petitioner for the offences punishable under Sections 457 and 380 of the Indian Penal Code, on 6th June 2002, later the matter was taken up on the file of the IV Additional Judicial Magistrate, Nellore in C.C.No.316 of 2002. The petitioner's son was arrested in connection with the above-mentioned C.C.No.316 of 2002 on 13th June 2002 and later released on bail on 8th August 2002. After obtaining bail, the petitioner's son did not attend the trial in the above-mentioned C.C.No.316 of 2002. It appears, therefore, summons were issued to the accused and as the summons could not be served, notices under Sections 82 and 83 of the Code of Criminal Procedure, were issued to the sureties, and the matter is still pending trial.

While the matter stood thus, another case came to be registered against the son of the petitioner in Crime No.36 of 2003 on 16th April 2003 for the offence punishable under Sections 457 and 380 of the Indian Penal Code and in connection with the said crime, the accused was arrested on 16th April 2003 and remanded to judicial custody. Eventually, the matter was tried in C.C.No.171 of 2003 on the file of the Additional Judicial Magistrate, Kavali, Nellore District. Vide judgment dated 19th August 2003, the accused was convicted and sentenced to detention in Bostal School, Nizamabad, for a period of 30 months.

When the petitioner's son was being taken to the Bostal School, Nizamabad under police escort, he escaped from the custody of the police on 28th August 2003 near Madhira Railway Station. On a report by the escort police personnel another case in Crime No.91 of 2003 was registered on 30th August 2003, which was taken up as C.C.No.338 of 2003 on the file of the XIII Metropolitan Magistrate, Secunderabad. The petitioner's son was traced out on 18th September 2003 and produced before the Court. The abovementioned C.C.No.338 of 2003 ended up in a conviction and the petitioner's son was sentenced to undergo imprisonment for a period of four months by the judgment of the XIII Metropolitan Magistrate, Secunderabad, dated 10th February 2004. Thereafter, the petitioner's son was sent to the Central Prison, Warangal for serving the sentence imposed in the above mentioned C.C.No.338 of 2003. The son of the petitioner was released from the jail on 12th February 2004 on completion of the period of sentence.

It is stated in the counter affidavit that the whereabouts of the petitioner's son after release from the jail are not known to the police. It is further stated in the counter affidavit that the police are making all efforts to trace out the petitioner's son has he is also required in C.C.No.171 of 2003 on the file the Additional Judicial Magistrate, Kavali, Nellore District.

It is submitted by the learned Government Pleader for Home that in view of the complaint made to this Court by the petitioner-father, a man missing case in Crime No.104 of 2005 of Indukurpet Police Station, Nellore, is registered and the police are making all necessary efforts to trace out the whereabouts of the petitioner's son.

In the circumstances, we do not see any reason to proceed further with the matter. Writ petition is accordingly, dismissed at the stage of admission.

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J.Chelameswar, J

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M.Venkateswara Reddy, J

26th September 2005

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